

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

DAVID LORENZA JOYNER, #1230707	§	
	§	
VS.	§	CIVIL ACTION NO. G-06-728
	§	
THOMAS A. DAVIS, JR., ET AL.	§	

**OPINION AND ORDER**

Before the Court is a Report and Recommendation from the United States Magistrate Judge dated May 30, 2007, which recommends that all federal claims asserted by Plaintiff, David Lorenza Joyner, in this cause be dismissed and that all of Joyner's state law claims be remanded. On June 22, 2007, Joyner filed timely objections to the Report and Recommendation.

In his objections, Joyner complains that the Magistrate Judge totally misconstrued his claims by labeling them as ones for defamation and privacy invasion in an effort to avoid the adverse effects of the Supreme Court ruling in Heck v. Humphrey, 512 U.S. 477 (1994). Joyner insists his claims assert denials of due process through the use of known false and uncorrected police reports by the Defendants to foil his intended habeas corpus petition and his DNA proceedings. Apparently, the Magistrate Judge gave Joyner too much credit for cleverness. Unfortunately, for Joyner, if his claims are, indeed, as he states in his objections, the claims necessarily imply the invalidity of his conviction for sexual assault and are, therefore, barred by the Heck doctrine.

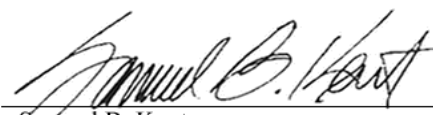
Accordingly, after *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(C), the Court finds that the Report and Recommendation is a well reasoned and correct application of law to the factual allegations of Joyner, insofar as those allegations were correctly interpreted by the

Magistrate Judge, and it is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

The Court further finds that insofar as Joyner's claims are as asserted in his objections, they are barred by the Heck doctrine.

For the foregoing reasons it is **ORDERED** that "Joyner's Global Summary Judgment Motion on all Defendants" (Instrument no. 22) is **DENIED**; "Defendant, Detective Rick Bort's, Motion for Summary Judgment" (Instrument no. 15) and the "Motion for Summary Judgment of Defendants Mary Aldous and David Bosserman" (Instrument no. 16) are **GRANTED**; that all federal law claims asserted by Joyner are **DISMISSED with prejudice**; and that all of Joyner's **state law claims are REMANDED**.

**DONE** at Galveston, Texas, this 9<sup>th</sup> day of July, 2007.

  
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Samuel B. Kent  
United States District Judge